

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LARRY A. CHIEFLY,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-147-M
)	
WARDEN PROVINCE,)	
)	
Respondent.)	

ORDER

On August 29, 2009, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that respondent's motion to dismiss [docket no. 8] be granted and the petition for writ of habeas corpus be dismissed as time-barred pursuant to 28 U.S.C. § 2244(d)(1)(A). Petitioner was advised of his right to object to the Report and Recommendation by September 17, 2009, and a review of the court file reveals that no objection has been filed.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 29, 2009;
- (2) GRANTS respondent's motion to dismiss the petition for writ of habeas corpus; and
- (3) DISMISSES the petition for writ of habeas corpus without prejudice.

IT IS SO ORDERED this 24th day of September, 2009.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE